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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,498	10/15/2003	Colin Michael Kernan	883.0059USU	3539

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EXAMINER

GILMAN, ALEXANDER

ART UNIT PAPER NUMBER

2833

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,498

Applicant(s)

KERNAN, COLIN MICHAEL

Examiner

Alexander D Gilman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9, 10, 11, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Mendelson et al.

With regard to claims 1, 11, 17, Mendelson et al (US 6,267,602) disclose a detachable power supply apparatus for an appliance comprising:

a temperature control device (5) for electrical connection to the appliance (2) , said temperature control device having a

first member, said first member (44) extending outwardly from a

first side (outer surface of the central wall 25) of said temperature control device (col. 5, lines 22-24) , said temperature control device having a conductor(35) being on said first side, said temperature control device having a probe (10) on a second side being opposite said first side; and

a power supply cord (4) having a female electrical connector at a power supply first end, said female connector connecting to said conductor, said female

connector being connectable to a power supply to supply power to said female connector and to said

conductor, said power supply cord having a second member (76) on said power supply first end, wherein said first member selectively fastens to said second member so that upon application of a

force upon said power supply cord said first member disengages said second member without disturbing a position of the appliance.

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With regard to claims 9, 10, Mendelson et al disclose that said probe selectively connects to a port of the appliance, said temperature control device having a thermostat with a dial (20) electrically connected to said probe, said temperature control device controlling an operating temperature of the appliance.

Claims 18, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Dennis.

With regard to claim 18, Dennis (US 3,159,725) discloses a detachable power supply apparatus for an appliance (the appliance is connected with 52) comprising:

a first electrical component (11) having a first side and a second side, said second side being opposite said first side, said first electrical component being electrically connected to the appliance by a first conductive member on said first side, said first electrical component having a second conductive member being on said second side; and

a second component (10) having a third side and a fourth side, said third side being opposite said fourth side, said second component having a third conductive member connected to a power source at said third side, said second component having a fourth conductive member at said fourth side,

wherein said first electrical component has a bulbous catch (54) pin at a first location of said second side, and wherein said second component has a spring clip (60) at a second location on said fourth side, said first location being complementary to said second location so that said clip releasably engages said bulbous catch pin and releases said bulbous catch pin upon an application of a force upon said second component so that a location of the appliance is not disturbed.

With regard to claim 19, Dennis that when said clip (60) releasably engages said bulbous catch pin power traverses from said power source to said first electrical component, and wherein power does not traverse from said power source to said first electrical component when said clip releasably disengages said bulbous catch pin.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 8, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendelson et al in view of Corona.

With regard to claims 2-4, 12-16, 18, Mendelson et al disclose all of the limitations, as applied to claim 1 above, except for a plurality of bulbous members each having a stem connected to a spherical portion and a plurality of clips having stem connected to a clasping portion.

Corona (US 6,379,169) discloses a plurality of bulbous members (100) having a stem connected to a spherical portion and a plurality of clips (70) having stem connected to a clasping portion.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the first and the second member as mechanical fasteners, as taught by Corona, to dependably and cost effectively attach the temperature control device to power supply cord.

With regard to claim 8, Mendelson et al when modified by Corona, disclose that said plurality of first members and said plurality of clips disengage upon application of a desired force.

Allowable Subject Matter

Claims 5-7 are allowed

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior art has been found to anticipate or render obvious the presently claimed subject matter.

Specifically, none of the prior art of record discloses the combination of the limitations presented including the plurality of first members being disposed between a plurality of conductors on said first side (claim 5); said plurality of clips being disposed between a plurality of female electrical connectors on said power

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supply cord (claim 6);

said plurality of clips having the specified shape (claim 7);

the spring clip being substantially C shaped. (claim 20).

Response to Arguments

Applicant's arguments filed 11/08/2004 have been fully considered but they are not persuasive. With regard to claim 1, Applicants argue that the prior art (Mendelson) does not provide a first and second member that are selectively fastened as recited in claim 1. According to Applicants, Mendelson merely describes a magnetic connection, there is nothing selective about the connection of Mendelson. For example, any device that includes some ferrous material may be attached to the power supply cord.

However, in Mendelson, not any device, but only device which has the respective mating features (as conductors 35 specifically disposed to meet the contacts 66 of the power cord and a recess corresponding to the key 79 on the power cord) can be selectively (removably) attached to the power supply cord.

Also with regard to claim 1, Applicants argue that Mendelson does not disclose that the contact plate (44) extends outwardly from the temperature control device.

However, Mendelson recites the first member (44), being "attached to an outer surface of a central wall of a mounting panel of the temperature control device (col. 5, lines 22-24). Since the element is attached to the outer surface of the device, it is interpreted as being extending outwardly (not inwardly).

With regard to claim 18, Applicants argue that the prior art (Dennis) does not disclose a bulbous catch pin (a C-shaped clip is not claimed in claim 18 but in claim 20 now being objected).

The term "bulbous catch" is considered as a swollen end (The Heritage Dictionary, 4 Ed) which functions as a part of a releasable connection in Dennis.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation

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to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the secondary reference (Corona) which teaches the removable plug-receptacle electrical connection with the spring locking mechanism. Utilization of this locking mechanism well known in the art would improve dependability of this removable plug-receptacle electrical connection of Mendelson.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

01/17/2005

A handwritten signature in black ink that reads "Alex Gilman". The signature is written in a cursive, flowing style.

ALEXANDER GILMAN
PRIMARY EXAMINER